

The Employment Interview

What Can I Ask?

Employers often view the hiring process as a minefield. You know there are certain questions that you shouldn't ask, but you don't always know what those questions are. Here's a list from regulations adopted under the Montana Human Rights Act.

17 Do's and Don'ts

- (1) Don't ask anything that will reveal information about the applicant's race, color, national origin, religion, creed, physical or mental disability, age, sex, marital status, or, if you're a government employer, political beliefs.
- (2) If the position you have requires a distinction based on age, disability, marital status, or sex, keep your questions focused on the job qualifications.
- (3) Unless you're inquiring about a change of name for the purpose of checking employment or education records, don't ask about the applicant's original name. That information might reveal the person's ethnic background.
- (4) Don't ask where someone was born or whether he has ever been a citizen of a foreign country. You may ask for his present address, previous address in the United States, and length of residency in a particular city, county, or state.
- (5) If age is a qualification for the job, you may ask the applicant for proof of age.
- (6) Don't ask about skin color, hair color, or eye color. Don't require a photograph or ask for one on an application form.
- (7) Don't ask about military experience outside the U.S. armed forces.
- (8) Don't ask about criminal arrests. You may ask about criminal convictions.
- (9) Don't ask applicants about their native language or the manner in which a foreign language was acquired. You may ask whether they speak foreign languages and about the degree of fluency if it pertains to the job.
- (10) Don't ask about membership in organizations, the names of which might indicate race, color, national origin, and so on. If you're a government employer, you shouldn't ask about organizations whose names would indicate political beliefs.
- (11) Don't ask about relatives' names.
- (12) Don't ask about a garnishment record.
- (13) Don't ask applicants about their physical or mental condition.
- (14) Don't ask a female applicant about her plans for pregnancy or childbearing.
- (15) Never ask a female applicant about her child-care arrangements unless you asked males as well. (We say, just don't ask!)
- (16) Don't ask about citizenship.
- (17) Don't inquire about an applicant's height or weight.

In reviewing the list, you can see that you shouldn't be asking for information that might be used to unlawfully discriminate against an applicant. That means not only that you don't ask it in a personal interview but that you shouldn't ask it on your employment applications either.

Once you've hired the applicant, you can ask for the information you need for tax purposes, insurance applications, social security, or your affirmative action plan. You can require the employee to give you the information you need to comply with immigration laws or for other legitimate business reasons. Until then, you should be very, very careful to ask only for information you need. Once you know something, there's always the possibility you'll be accused of using it improperly.